G. R. S. 58]

Previous references.

1899-1900.

~~191~~ .

File No. 55

Serial Nos. 1-5

(Police)

Later references.

Cto. 85-vol(4)

29 28

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

Major. ~~Part B~~ for September 1900.

SUBJECT.

Powers of the Mysore Police on Railway premises.

8740.
J 963.

636
604

8-3-1900.

From. Dist. Magte. Chitaldrug.

Brings to notice the illegal procedure adopted by the Railway sub-inspector in arresting certain persons of the Holalkere Taluk.

GPB—3,500—21-7-14

~~A. R.~~ 2648 28-8-1900.
J279.

To

The Govt. Advocate.

Forwards in original
the above information in A. 1.

A. 2 D.O. 21-8-1900.

To

L. Chandy.

Informs that a question
has risen as to the legality of the said arrest
and requests to state what the practice
has been on the lines over which jurisdiction
was ceded to the British Govt. for several years
back.

A. 3. D.O. 30-8-1900.

To

A. Ramanujeyyar.

Writes certain suggestions
with regards the said arrest.

A. 4. J 300. G.I. 3-9-1900.

From

The Govt. Advocate.

States that the arrest does
not seem illegal.

A. 5. 4515-24/J451 22-9-1900.

To The Dist. Magte.
Chitaldrug.
All other Magtes.
The I. G. of Police.
The Govt. Advocate.

Langdowne.

Passes orders as to the legality-

Subs. Search.

(3) It is much to be regretted that so much time has been lost in attempting to trace up the newspaper orders on the subject, which have not been traced after all.

I am humbly of opinion that the order No. 115 quoted by the Ld. Magistrate does not apply, as this is

wt a case between
British & "Foreign"
territory. The Civil
Military Status of
Bangalore wt British
& Mysore Territory.
Please see No. 10 of the
printed compilation
just up). The Bangalore-
Hoskar line stands
practically on the same
footing as the C & M
Station, and the
events made in this
case in the Hoskote
taking by the Railway
Sub Insp - with
the help of the

local Police don
not appear to
open to objection.

AK

1874.

Mem consulted Mr
Advocate General
copy for a
very early 21-8-00.
reply. C

Ask also his
Excy whether
- easily noted the
practice has
been on the lines
even which I was
directed
Govt
Mr.

the British
demand.
work

C
21/8/00.

1. Reference made.
2. N.O. written.

AK

21/8

Replied 22. Aug

M. Chandy & Co.
for Advocate
Sub. Please write
a draft for appl.

1900/07 Regd No 107

8740 J953.

1899-900.

No. 2647. Mem

J279

Forwarded to the Govt. Advocate for enclosures in original in obliging return with an early expression of his opinion. B. O.

A Ramdumpy
for Secy.

1.8.1900.

Recd 22/8/00 A.V.

From The District Magistrate of Chitaldroog.

To The Secretary to the Government of Mysore General & Revenue Depts.

Dated 8th } March 1900.
Despatched }
Received }

General No. 636.
No. 604.

Enclosure No. 5.

Bringing to notice the illegal procedure adopted by the Railway Sub-Inspector in arresting certain persons of the Holalkere Taluk.

SECTION Police

FILE No. 55 of 1899-1900.

SERIAL No. 1

Govt Gen. C.
12.8.00
Refer put up
BVR
13/8/00.

Submitted for order
RCA

Office of the District
Magistrate of Chikaldurg
Dated Chikaldurg
8th March 1900.

No. 636. Ex:
604. S.

To

The Secretary to the
Government of Mysore,
General and Revenue
Departments,
Bangalore —

Sir,

I have the honor to
Submit for the orders of
Government report no.
247 dated the 17th February
1900 with its enclosures
received from the Amildar
and 2nd class Magistrate
of Nalcheke, bringing to
notice the fact of the illegal
arrest of one Narsappa,
Pariyatgar of the Chintrum
at Arekallikatty, Nalcheke
Taluk, and Para and Sucka
Sweepers of the said Chintrum
and

and Bangalore, [illegible]
the Railway Sub-Inspector on the
6th instant on a charge of
theft of 6 wooden slabs
alleged to have been committed
within the limits of the Southern
Mahratta Railway Station
at Holalkere. It appeared
that the said Sub-Inspector
sought the help of the Holalkere
Police in having the
three accused persons
arrested, and that after their
arrest he took them to the
Civil and Military Station
of Bangalore, giving intimation
thereof to the Amildar of Holalkere
by a note dated the 6th idem.

2. In connection with this
arrest I beg to state that
though the full jurisdiction on all
lands within the limits of
the Mysore State Railway
from and including the
Harihar line to and inclu-
sive of Bangalore Station
has been ceded to the
British

X Govt-60
1 Vide para
6 of letter

British Government by
virtue of Government of
India notification No. 507-I
dated the 6th February 1896
the Railway Sub-Inspector
should have armed himself
with a warrant issued
by a competent magistrate
in the civil and military
Station of Bangalore for
arresting the accused
persons who are My Sore
Subjects vide order No. 115
of the Madras Government
on arrests in Foreign Terri-
tories. This course not having
been followed by the Railway
Sub-Inspector in the
arrest under reference
his action seems to be
illegal.

3 In these circumstances
I beg that the British
Resident in My Sore may
be moved to issue necessary
orders so that the notice

may

may be taken of the conduct
of the Inspector in question
to prevent the repetition
of such unauthorize d
arrests in future.

I have the honor to be
Sir
Your most obedient Servant

Deputy Commissioner
District Magistrate
Hooghly

SECTION Police

FILE No. 55 of 1899-1900

SERIAL No. 2.

Bangalore,
21. 8. 1901

(5)

Dear Mr. Chandy

A question has arisen as to the legality of certain arrests made in the Kolalkere Taluq by the Railway Sub Insp^r on a charge of theft alleged to have been committed within the limits of the Southern Mahratta Railway Station at Kolalkere, without a warrant from the Magistrate of the Civil & Military Station, Bangalore.

I am desired to request you to be good enough to state what the practice in this respect has been in the areas over which jurisdiction was ceded

& the British Govt. several years back.

An early reply will oblige.

Yours sincerely

KK

Thanks letter

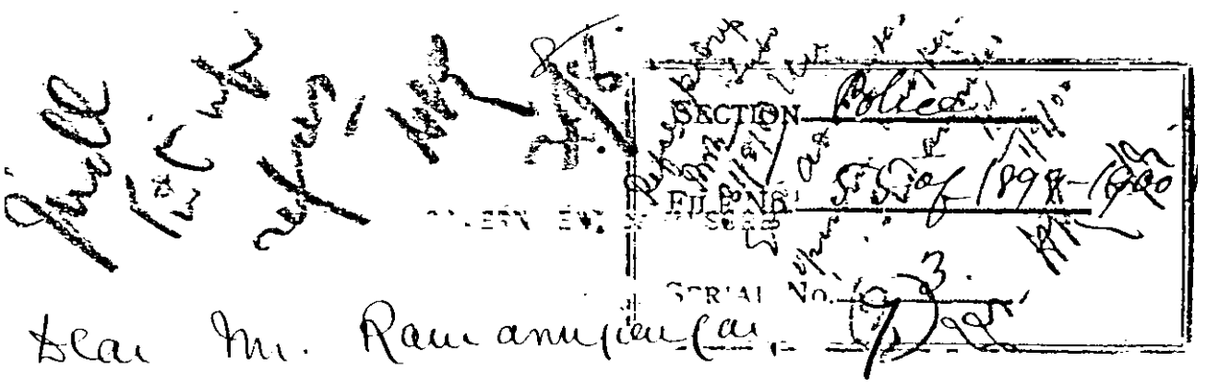
Kindly do the

KK

21/8

D.o by chit.

21/8.



Dear Mr. Ramanujam Esq.

Your letter of the 21st inst. about arrest in Mysore territory by the British Railway Police without a Warrant.

I am sending a D.O. for the Asst Supt. of Police, Bangalore & its enclosures, which please return after perusal.

It will be seen that n case of arrest without warrant occured in the instance mentioned by the A.S.P. as the accused presente themselves before the Railway Police at Bangalore. I have not been able to get at any other

Extradition

Extract from Resident's letter
No. 1107 – J 502 dated 5th Sept 1881

× × ×

As the Civil & Military Station of
Bangalore is not British but
Mysore Territory processes of
Criminal Courts of the Station
And of the Mysore State may be
freely exchanged and executed
between the Station & the interior
of Mysore.

Extract from the Resident's letter
No: 367 – J 122 dated 19th May 1881
– Lt. Col. Mackenzie & Mr Gordon

You may issue your own warrant
as District Magistrate to any other
Magistrate in British India.
Mr. Gordon is of opinion that
Bangalore being now under Britis

jurisdiction from the 15th March 1881
the provision of the Extradition Act
would not apply to it, and it
would not be necessary for him
to issue warrants for offenders
committed in the C. & M. States.

3. The C. & M. States Police
may thus pursue & arrest
offenders in any part of British
India or Mysore

?

"Dy"

Chittaldrug

11 Sept.

13

Encl (2) Sl. 3

Bangalore
23rd August 1900

Dear Sir,

With reference to the Secretary's D.O. of the 21st August 1900. If the G & R. Station and the Railway jurisdiction are analogous in their relation to Mysore State, then I think Resident's letters No. 1407-J 52 d: 5-9-81 and No. 354 d — G 122 dt. 19-5-81. apply. I send you extract furnished by Mr. Hewetson for information and return.

The only case in which the Ry Police attempted to arrest a man without warrant for an offence committed by him in British Ry jurisdiction occurred in Nelavande Taluk in November 1899.

Inspector Abdool Ameer requested the Police of Nelavangala Hd. Station on 15-11-99 to arrest 8 persons concerned in a case of theft of ~~timber~~ timber logs from the premises of Gollahalli Ry station. But before they were arrested by the Mysore Police the accused persons appeared before the Ry Police at Bangalore. So they

they were not actually arrears. I am not aware of any other case

Yours Very sincerely
(Sd) L. Krishna Rao.

P.S. Please return the enclosure.

H. Shandy Esqre
Asst to I.G. of Police.

Encls.

From.
E. Hemelsam Esqre
Dy Supt of Police
& In Charge Bangalore

To The Asst Supt of Police, Baigalore.
thro the British Resident.

Dy. 18-6-00
No 132

Sir. In reply to your letter No 822 of 4th inst addressed, I have the honor to point out, that the Cantonment of Bangalore, is not British Territory and the order No 5679. 320. 98 of 22nd Oct 98 is therefore inapplica-

2 The C & Ir Stn Police may pursue and arrest offenders in any part of Mysore, and the extracts of rules on the subject are herein enclosed for your information.

3. With reference to your remark that the station Police Sergeant exceeded the powers of the Bowringpet Magistrate in producing him before any Magistrate of the Mysore State, I forward herewith the original for your information and return the enclosure. I think Magistrate's order permitting the removal of the accd. Surely this should have been brought to your notice.

I have &c
(Sd) E. Hemeon
Dt Supt of Pol

Extradition

1. Extract from Resident's letter No. 1407-J 502 d: 5-9-81

× × × ×

As the C & Ir Stn of Bangalore is not British but Mysore Territory processes of criminal courts of the station and of the Mysore State may be freely exchanged and executed between the Stn and the interior of Mysore

2. Extract from the Residents'
letter No 354-G 122 dt. 19th May 1881

× × × × ×

You may issue your own warrant
as Dt Magte to any other Magte
in British India. Mr Gordon
is of opinion that Bangalore
being out side British jurisdn
from the 25th March 1881, the
provisions of the extradition Act
would not apply to it, and it
would not be necy for him
to issue warrants for offences
committed in the Cantt. Magte
3. The Cantt Magte Police may
thus pursue and arrest offenders
in any part of British India

2542
9-900
300.

OFFICE OF THE
GOVERNMENT ADVOCATE IN MYSORE.

DATED 3d September 1900

No 61
En. No. 5

SECTION Police.

FILE No. C & F 71 70.

SER'AL No. 1

From

THE GOVERNMENT ADVOCATE IN MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

With reference to your Memo No. 2648, dated the 21st Ultimo, J 279 I am of opinion that the arrest in question is not illegal.

As per part-I of the Notification by the Government of India No. 507 dated the 6th February 1896 all laws for the time being in force in the Civil & Military Stations of Bangalore shall be deemed to be in force in the aforesaid lands i.e. lands occupied as stations, and buildings & for other

54/A of Part I 1891-92

other Railway purposes. The
Lands do not cease to belong to
Mysore Territory & it is only the
Jurisdiction (Civil & Criminal) is
ceded to British Government.
As per letter of the Resident
No 1407 - J 502 dated 5th September
1881 processes of the Criminal
Courts of the States & of the
Mysore State may be freely
exchanged & executed between
the States & the interior of
Mysore & no warrant is
necessary as per letter of the
British Resident - No 354 - J 122
dated the 19th May 1881.

The original Memorandum
reply

and its enclosures are herewith
returned

I have the honor to be
Sir,
your most obedt Servant
S Rawlinson
Governmt Agent

Read again. (9)

Letter No. 636/604

of 8th March/00 from the District Magte Chitaldrug. Giving full notice of an arrest made by the Railway Sub Inspr in the Kolar Kote Taluq for a theft alleged to have been committed within the limits of the Southern Mahratta Railway Stn (Kolar Kote).

Read.

Letter No. 61/8 3rd Sept-/00 from the Govt.

Dated 22-7-

Rpm 12/9/00 257

8/9/00.

10/9-

Read 21-9-00

21/9.

of without a warrant from a competent Magte of the Civil & Military Stn Bangalore

SECTION Police
FILE No. S. No. 1872-1900.
SERIAL No. 8

advocate offering
his opinion on the
legal aspect of the
above arrests.

Order:- No. 451-24 & 22/9/1924
The District Magistrate,
Chitaldrug, will be
informed that the
lands within the
Railway limits referred
to comprise Mysore,
not British Territory, over which jurisdiction does not
and the Police of the have been ceded to
limit of Military Station, the British Govt,
Bangalore may pursue
& arrest offenders in
any part of Mysore

22.

without a warrant
from a Magt in the
same way as the
Dunbar Police. The
arrests in question
therefore were not
in the execution of Your
Magt duty as
it is called for

S. C. C.
8/9/00.

To, The Rt. Mag[te] Chisholm returning Enclos:

All Rt. Mags
The J. Cl. of Police
Pr. Advocate

Procs. Mag. Dunbar 25/9/00.

1900-1901

GOVERNMENT OF MYSORE

UDICIAL,

PROCEEDING

Dated 22nd September 1900

4515

Passing orders as to the legality
certain arrests made by the Police of
Civil and Military Station, Bangalore,
the Mysore State.

READ AGAIN—

Letter No. 636—604, dated 8th March 1900, from the District Magistrate of Chitaldrug, bringing to notice certain arrests made with the help of the local police by the Railway Sub-Inspector in the Holalkere taluk, without a warrant from a competent Magistrate of the Civil and Military Station, Bangalore, for a theft alleged to have been committed within the limits of the Southern Mahratta Railway Station (Holalkere).

Letter No. 61, dated 3rd September 1900, from the Government Advocate in Mysore, offering his opinion on the legal aspect of the above arrests.

NO. 4512-24—J. 451, DATED BANGALORE, 22ND SEPTEMBER 1900.

ORDER THEREON—The District Magistrate, Chitaldrug, will be informed that the lands within the railway limits referred to comprise Mysore, not British Territory, though the jurisdiction over it has been ceded to the British Government and the Police of the Civil and Military Station, Bangalore, may pursue and arrest offenders in any part of Mysore without a warrant from a Magistrate in the same way as the Durbar Police. The arrests in question, therefore, were not in the opinion of Government illegal and no action is for.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The District Magistrate of Chitaldrug, returning enclosures.
All other District Magistrates.
The Inspector General of Police in Mysore.
The Government Advocate in Mysore.